

ORIGINAL

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

-v-

: INFORMATION

BYRON LINDSAY,

: 06 Cr. 148

Defendant.

:

x

COUNT ONE

The United States Attorney charges:

1. From in or about February 2005 through in or about June 2005, in the Southern District of New York and elsewhere, BYRON LINDSAY, the defendant, and others known and unknown, unlawfully, willfully, and knowingly, did combine, conspire, confederate, and agree together and with each other to commit offenses against the United States, to wit, violations of Title 18, United States Code, Sections 2113(a) and (d).

Objects of the Conspiracy

2. It was a part and an object of the conspiracy that BYRON LINDSAY, the defendant, and others known and unknown, unlawfully, willfully and knowingly, by force and violence, and by intimidation, would and did take, and attempt to take, from the persons and presence of others, property and money belonging to and in the care, custody, control, management, and possession of various banks, the deposits of each of which were then insured by

the Federal Deposit Insurance Corporation, and one credit union, the deposits of which were then insured by the National Credit Union Administration Board, in violation of Title 18, United States Code, Section 2113(a).

3. It was further a part and an object of the conspiracy that BYRON LINDSAY, the defendant, and others known and unknown, while attempting to commit bank robberies and committing a credit union robbery, unlawfully, willfully and knowingly would and did assault persons and put in jeopardy the lives of such persons by the use of a dangerous weapon, namely, firearms and pellet guns, in violation of Title 18, United States Code, Section 2113(d).

Overt Acts

4. In furtherance of the conspiracy, and to effect the illegal objects thereof, the following overt acts, among others, were committed in the Southern District of New York, and elsewhere:

a. On or about February 3, 2005, LINDSAY and co-conspirators not named herein drove to the Charter One Bank on 253 North Main Street, Spring Valley, New York, and followed a bank employee to his residence.

b. On or about April 20, 2005, LINDSAY and co-conspirators not named herein drove to the vicinity of Divine Corners Road in Loch Sheldrake, New York and attempted to enter a residence.

c. On or about May 18, 2005, LINDSAY and co-conspirators not named herein drove to the Palisades Federal Credit Union on 300 North Middletown Road, Pearl River, New York, and entered the credit union.

d. On or about June 16, 2005, LINDSAY and co-conspirators not named herein drove to the Bank of New York on 1636 Marcus Avenue, New Hyde Park, New York, and entered the bank.

(Title 18, United States Code, Section 371.)

COUNT TWO

The United States Attorney further charges:

5. On or about February 3, 2005, in the Southern District of New York and elsewhere, BYRON LINDSAY, the defendant, and others known and unknown, unlawfully, willfully, and knowingly, by force and violence, and by intimidation, attempted to take, from the persons and presence of others, property and money belonging to and in the care, custody, control, management, and possession of the Charter One Bank, 253 North Main Street, Spring Valley, New York, the deposits of which were then insured by the Federal Deposit Insurance Corporation ("FDIC"), and in committing such offense, BYRON LINDSAY, the defendant, did assault and put in jeopardy the life of another person by the use of a dangerous weapon, to wit, a pellet gun and a firearm.

(Title 18, United States Code, Sections 2113(a) and (d) & 2.)

COUNT THREE

The United States Attorney further charges:

6. On or about February 3, 2005, in the Southern District of New York and elsewhere, BYRON LINDSAY, the defendant, and others known and unknown, unlawfully, willfully and knowingly, during and in relation to a crime of violence for which they may be prosecuted in a court of the United States, used and carried a firearm and, in furtherance of such crime, possessed and brandished a firearm, to wit, the attempted bank robbery charged in Count Two of this Information.

(Title 18, United States Code,
Sections 924(c)(1)(A)(i) & (ii) and 2.)

COUNT FOUR

The United States Attorney further charges:

7. On or about April 20, 2005, in the Southern District of New York, BYRON LINDSAY, the defendant, and others known and unknown, unlawfully, willfully, and knowingly, by force and violence, and by intimidation, attempted to take, from the persons and presence of others, property and money belonging to and in the care, custody, control, management, and possession of the First National Bank of Jeffersonville, 1278 Route 52, Loch Sheldrake, New York, the deposits of which were then insured by the Federal Deposit Insurance Corporation ("FDIC").

(Title 18, United States Code, Sections 2113(a) & 2.)

COUNT FIVE

The United States Attorney further charges:

8. On or about April 20, 2005, in the Southern District of New York and elsewhere, BYRON LINDSAY, the defendant, and others known and unknown, unlawfully, willfully, and knowingly, during and in relation to a crime of violence for which they may be prosecuted in a court of the United States, used and carried a firearm and, in furtherance of such crime, possessed a firearm, to wit, the attempted bank robbery charged in Count Four of this Information.

(Title 18, United States Code, Sections 924(c)(1)(A)(i) and 2.)

COUNT SIX

The United States Attorney further charges:

9. On or about May 18, 2005, in the Southern District of New York and elsewhere, BYRON LINDSAY, the defendant, and others known and unknown, unlawfully, willfully, and knowingly, by force and violence, and by intimidation, ~~attempted to take,~~ ^{took} *D.W.D.* *D.L. 4/17/06* from the persons and presence of others, property and money belonging to and in the care, custody, control, management, and possession of the Palisades Federal Credit Union, 300 North Middletown Road, Pearl River, New York, the deposits of which were then insured by the National Credit Union Administration Board, and in committing such offense, BYRON LINDSAY, the

defendant, did assault and put in jeopardy the life of another person by the use of a dangerous weapon, to wit, a pellet gun.

(Title 18, United States Code, Sections 2113(a) and (d) & 2.)

COUNT SEVEN

The United States Attorney further charges:

10. On or about June 16, 2005, in the Southern District of New York and elsewhere, BYRON LINDSAY, the defendant, and others known and unknown, unlawfully, willfully, and knowingly during and in relation to a crime of violence for which they may be prosecuted in a court of the United States, used and carried a firearm and, in furtherance of such crime, possessed a firearm, to wit, the conspiracy to commit bank robbery charged in Count One of the Information.

(Title 18, United States Code, Sections 924(c)(1)(A)(i) and 2.)

COUNT EIGHT

The United States Attorney further charges:

11. From in or about late November 2004 through in or about March 2005, in the Southern District of New York and elsewhere, BYRON LINDSAY, the defendant, unlawfully, willfully and knowingly conspired to commit robbery, as that term is defined in Title 18, United States Code, Section 1951(b)(1), to wit, the object of their conspiracy was to rob various businesses of the cash proceeds of their businesses, and these robberies

any way and degree, obstructed, delayed, and affected commerce, as that term is defined in Title 18, United States Code, Section 1951(b) (3).

OVERT ACTS

12. In furtherance of said conspiracy and to effect the illegal object thereof, the following overt acts, among others, were committed in the Southern District of New York:

a. On or about December 1, 2004, BYRON LINDSAY, the defendant, and a co-conspirator not named herein, entered the El Mundo Gigante store at 19 West Fordham Road, Bronx, New York.

b. On or about December 12, 2004, BYRON LINDSAY, the defendant, and a co-conspirator not named herein, drove to RIA Financial Services at 214 East 170th Street, Bronx, New York.

c. On or about February 22, 2005, BYRON LINDSAY, the defendant, and a co-conspirator not named herein, entered David's Check Cashing at 2 North Highland Avenue, Nyack, New York.

d. On or about March 11, 2005, BYRON LINDSAY, the defendant, and a co-conspirator not named herein, entered FAMA at 240 Main Street, Nyack, New York.

(Title 18, United States Code, Section 1951(a).)

Michael J. Garcia
MICHAEL J. GARCIA
United States Attorney

